REMARKS

It is again noted that a Terminal Disclaimer was previously filed to disclaim over US Patent Application 10/740,034.

The Examiner has provisionally rejected claims 21, 22, 24-28, 30-34 and 36-42 on the grounds of statutory double patenting as being unpatentable over claims 1, 2, 4-8, 10-14 and 16-22 of copending US Patent Application 10/740,034.

As was noted previously, the amendment made in the previous response should render this rejection moot. For example, independent claim 21 does not recite the use of an "application priority", and is thus is patentably distinguishable over independent claim 1 of US Patent Application 10/740,034 for at least this one reason alone.

Claims 39-42 are rejected under 35 USC 101, the Examiner stating that these claims fail to tangibly embody or include any recited hardware.

Claim 39 has been amended to recite in several locations a "hardware logic element", thereby rendering the rejection moot. Note that the logic elements 10 are part of the Dynamic Configurable Hardware Logic (DCHL) 50, which forms a part of the Hardware Layer 70 (see, for example, Figure 3).

The Examiner has now rejected claims 21-25, 27-31, 33-36, 39 and 41 under 35 U.S.C. 102(e) as being unpatentable over Johnson, U.S. Patent No. 6,834,315. The Examiner has also rejected dependent claims 26, 32, 37, 38, 40 and 42 under 35 U.S.C. 103(a) as being unpatentable Hoskins, US Patent No.: 6,789,132 in view of Johnson. The rejections are respectfully disagreed with, and are traversed below.

It is noted at the outset that in making the 102(e) rejection of claims 21, 27 and 33 the Examiner makes reference to Johnson teaching "inherited application priorities". This phrase is not found in any of the independent claims 21, 27 or 33.

It is further noted that when making the rejection under 103(a) that the Examiner cites Hoskins, but then in the argument section refers repeatedly to "Jones". The rejection is thus not understood and should be clarified in a non-final office action, or withdrawn altogether.

Turning now to the rejection of claims 21, 27 and 33, it is noted that each of these claims recites in a similar fashion, as in claim 21:

> "interposed between said OS and said DCHL layer, a TiEred Multi-media Acceleration Scheduler (TEMAS) that cooperates with the OS scheduler **for scheduling the LEs of the DCHL to execute applications**".

In making the rejection the Examiner is equating the logical unit numbers (LUNs) 16a,b,c of Johnson with the claimed LEs. This is clearly erroneous. As is well known, a LUN is a unique identifier used on a SCSI bus to distinguish between devices that share the same bus, and is considered a conceptual division (a subunit) of a storage disk or a set of disks (see the attached page (Exhibit A) obtained from www.expertglossary.com, as well as numerous other similar LUN definitions that can be found in print or on the web). As Johnson says in col. 1, lines 21-24, an application executing on a host may be assigned to use a particular logical volume in a storage subsystem, "also referred to as a Logical Unit Number (LUN)".

Clearly, the Logical Unit Numbers (LUNs) 16a,b,c of Johnson, which are merely separately identified application storage areas in the storage subsystem 14, are not equivalent to the Logic Elements (LEs) that are scheduled to "execute" applications. That is, there is no disclosure in Johnson that the LUNs 16a,b,c execute anything, instead they are merely defined regions in the storage subsystem.

For at least this one reason alone the independent claims 21, 27 and 33 are not anticipated by Johnson under 35 U.S.C. 102(e), and are also not suggested or rendered obvious in view of Johnson. These claims are thus clearly patentable over Johnson, as are all claims that depend from these claims for at least this one reason alone.

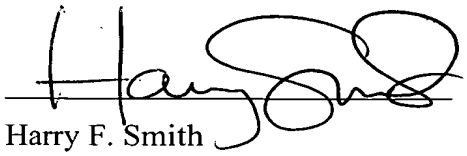
A merely clarifying amendment has been made to independent claim 39 to recite, in part:

> "where said logic element scheduler responds to receipt of scheduling events to configure and reconfigure at least some of the plurality of hardware logic elements such that at one time a particular hardware logic element is scheduled for operation with a first algorithm logic for **executing** the first algorithm logic, and at another time the same particular hardware logic element is scheduled for operation with a second, different algorithm logic for **executing** the second, different algorithm logic."

Independent claim 39 is thus also not anticipated by Johnson under 35 U.S.C. 102(e), and is also not suggested or rendered obvious in view of Johnson. As claim 39 is thus clearly patentable over Johnson, then the claims 40-42 are also clearly allowable over Johnson for at least this one reason alone.

An early notification of the allowance of pending claims 21-42 is earnestly solicited.

Respectfully submitted:



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Expert Glossary

Technology Search

Terms & Definitions

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EXHIBIT A

- Security
- Storage
- Virtualization
- E-mail
- Parallel Computing
- Search
- Programming
- Records Management
- More

Technology (21,159) : A B C D E F G H I J K L M N O P Q R S T U V W X Y Z # Definitions for **LUN (Logical Unit Number)**

LUN (Logical Unit Number)

In All > Technology > Storage

- A unique identifier used on a SCSI bus to distinguish between devices that share the same bus.
  Adaptec - Cite This Source - This Definition
- A SCSI term that refers to a logical disk device composed of one or more physical disk mechanisms, typically configured into a RAID level.
  HP - Cite This Source - This Definition
- A logical unit is a conceptual division (a subunit) of a storage disk or a set of disks. Logical units can directly correspond to a volume drive (for example, C: can be a logical unit). Each logical unit has an address, known as the logical unit number (LUN), which allows it to be uniquely identified.
  Microsoft - Cite This Source - This Definition

In All > Technology > Virtualization

- Logical Unit Numbers (LUN) is the number assigned to a logical unit (a SCSI protocol entity).
  Red Hat - Cite This Source - This Definition

Technology (21,159) : A B C D E F G H I J K L M N O P Q R S T U V W X Y Z #

Technology Expert Links

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